

Declaratory

~~Improvement~~ Res. No. 800-1949

for the condemnation of right of
way for street purposes the south
twenty-five (25) feet of Lot No. 1
Riverview Addition to the City of
Fort Wayne, Indiana

Resolution Adopted:

June 30, 1949

Confirmed:

Tuesday, January 31, 1950

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

ALL ACTION RESOINDED

March 7, 1950

For the ~~VACATION-OPENING~~ Condemnation of right of way for ~~UTILITY PURPOSES~~ Street purposes the south Twenty-Five (25) feet of Lot No.1 Riverview Addition to the City of Fort Wayne, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open Nuttman Avenue from the West Property Line of Lot No.1 Riverview Addition to the west property line of Vesey Avenue to a width of Fifty (50) feet by condemning the south Twenty-Five (25) feet of said Lot No.1 Riverview Addition for street purposes.

All as shown by a plan of such proposed ~~OPENING-VACATION~~ Condemnation ~~for utility purposes~~ for street purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said ~~VACATION-OPENING~~ Condemnation of right of way for ~~UTILITY PURPOSES~~ street purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~VACATION-OPENING~~ - Condemnation of right of way for ~~UTILITY PURPOSES~~ street is described as follows:

All lots and lands fronting On Nuttman Avenue
From the East Property Line of Brooklyn Avenue to the west property line
of Vesey Avenue.

ALL ACTION REBOINDED *March 7, 1950*

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by/above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above-described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described condemnation for street right of
are situated in Section Fifteen (15), Township Thirty North
(30N) Range Twelve (12) East and lying within the corporate limits of the
City of Fort Wayne, Allen County, Indiana.

ADOPTED THIS 30th DAY OF June 1949

Attest: *Joseph M. Schwartz*
Secretary Board of Public Works.

Frank A. Derle
Chambers Griffiths
Board of Public Works.

AVE.

50 OZARK

NUTTMAN AVE

50 AVE.

AVE.

VESEY

ST. MARY'S

RIVER

ADD

City Of Fort Wayne
Indiana



OFFICE OF
BOARD OF PUBLIC WORKS

June 28, 1949

FORT WAYNE, INDIANA

Mr. C. Ross Lindemuth
City Engineer
City Hall

Dear Sir:

You are hereby instructed to prepare plans for the condemnation of the south twenty-five (25) feet of Lot 1, Riverview Addition to the City of Fort Wayne, Indiana for the purpose of opening and extending Nuttman Ave. to a width of fifty (50) feet to the west property line of Vesey Avenue.

Yours very truly,

BOARD OF PUBLIC WORKS

Walter D. Trotter
Frank A. Derek
William H. Trotter

ATTEST:

Joseph M. Blum
Secretary

JMS/vma

REMONSTRANCE

TO:

The Board of Public Works,
City of Fort Wayne, Indiana:

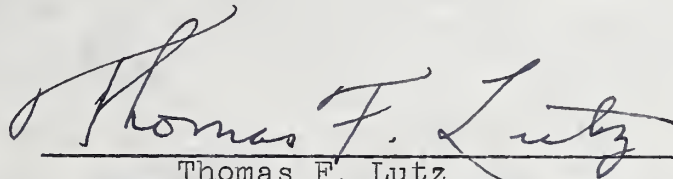
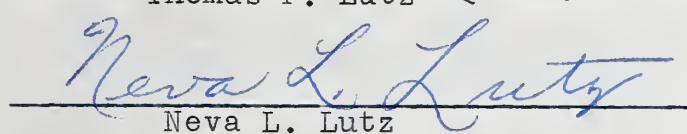
The undersigned, Thomas F. Lutz and Neva L. Lutz, husband and wife, being the owners of real estate in Allen County, Indiana, described as follows:

Lot Numbered One (1) in Riverview Addition to said City of Fort Wayne, except the West seventy-five (75) feet thereof,

hereby remonstrate and object to the assessment of benefits in the sum of \$1.00 and damages in the sum of \$1.00 accruing to the above described property on account of the condemnation of the South twenty-five (25) feet of said property as right-of-way for street purposes, pursuant to Declaratory Resolution No. 800-1949, adopted by you on June 30, 1949. The remonstrance and objection herein is based upon each of the following grounds:

1. No benefits whatever will accrue to said property through or on account of said condemnation.
2. The damages which will accrue to said property and the undersigned on account of said condemnation will amount to not less than the sum of One Thousand Dollars (\$1000.00).

IN WITNESS WHEREOF, we have hereunto set our hands this day of March, 1950.


Thomas F. Lutz

Neva L. Lutz

REMONSTRANCE

TO:
The Board of Public Works,
City of Fort Wayne, Indiana.

By Thomas F. Lutz
Neva L. Lutz

APPRAISEMENT

TO:

The Board of Public Works,
City of Fort Wayne, Indiana:

Pursuant to your request, we have this day inspected the property at 3418 Vesey Avenue, in the City of Fort Wayne, Allen County, Indiana, owned by Thomas F. Lutz and Neva L. Lutz, husband and wife, which property is more particularly described as follows:

Lot Numbered One (1) in Riverview Addition to said City of Fort Wayne, except the West seventy-five (75) feet thereof of said lot,

for the purpose of appraising and assessing the benefits and damages which will result to said owners and said property by the condemnation of the South twenty-five (25) feet of said property as right-of-way for street purposes, pursuant to Declaratory Resolution No. 800-1949. We hereby appraise and assess said benefits and damages, as follows:

Damages	\$720.00
Benefits	<u>None</u>
Excess of damages over benefits	\$720.00

IN WITNESS WHEREOF, we have hereunto set our hands this
2nd day of March, 1950.

Carl Riping
Carl Riping

Harold L. Kelsey
Harold L. Kelsey

APPRAISEMENT

TO:

The Board of Public Works,
City of Fort Wayne, Indiana

By Carl Riping
Harold L. Kelsey

STATE OF INDIANA

COUNTY OF ALLEN

CITY OF FORT WAYNE

SS:

BEFORE THE HONORABLE
BOARD OF PUBLIC WORKS

IN RE: DECLARATORY IMPROVEMENT }
RESOLUTION, NO. 800 }

REMONSTRANCE AND OBJECTIONS
OF JOHN E. O'CONNOR

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TO THE HONORABLE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE,
INDIANA:

John E. O'Connor hereby remonstrates and objects to the
above and foregoing Resolution in so far as said Resolution
contemplates subjecting his property to an assessment for the
condemnation of a right-of-way for street purposes of:

The south twenty-five (25) feet of Lot one (1)
in Riverview Addition to the City of Fort Wayne,
Allen County, Indiana,

for the reason that the real estate sought to be condemned is at
least six hundred and fifty (650) feet from the property of this
Remonstrator, and the condemnation could be of no benefit whatever
to the property of this Remonstrator. The property of this
Remonstrator is bounded on the west by Brooklyn Avenue and on
the south by the Bluffton Road; and Remonstrator already has
access to these two public highways and cannot possibly derive
any benefit by reason of said condemnation. The inclusion of
the property of this Remonstrator for assessment to pay damages
for said condemnation is unreasonable, arbitrary, and contrary
to the laws and to the Constitution of the State of Indiana.

Remonstrator hereby waives any objection to any irregularity
in the aforesaid Improvement proceeding, except as to his own
property, and as to his own property the condemnation is of
no public necessity and will not result in a public convenience
or utility; and the property of this Remonstrator should not
be included as deriving any benefit whatever from said contemplated
condemnation. Any assessment which may be made by virtue of
said resolution upon this property of this Remonstrator will be
illegal, arbitrary, and in violation of the Constitution of

the State of Indiana and of the Constitution of the United States of America.

WHEREFORE, Remonstrator asks that his property be excluded from any contemplated assessment under and by virtue of said Resolution.

John E. O'Connor

JOHN E. O'CONNOR

Rev 3 PM
Aug 4-49
jms

BEFORE THE HONORABLE
BOARD OF PUBLIC WORKS

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IN RE: DECLARATORY IMPROVEMENT
RESOLUTION, NO. 800

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REMONSTRANCE AND OBJECTIONS
OF JOHN E. O'CONNOR

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Newkirk, Keane, and Kowalczyk
Peoples Trust Building
Fort Wayne 2, Indiana

